

U.S. Patent Application Serial No. **09/926,662**
Amendment dated October 31, 2003
Reply to OA of **August 5, 2003**

REMARKS

Claims 1, 3 - 8 and 10 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. It is believed that this Amendment is fully responsive to the Office Action dated August 5, 2003.

Claims 1 - 8 and 10 remain in this application. Claim 9 has been canceled without prejudice or disclaimer.

The claims have been amended in order to address the Examiner's specific objections to the language of the claims.

Claims 1 - 3 and 6 - 8 are rejected under 35 USC §112, second paragraph, for the specific reasons set forth on page 3 of the outstanding Action. The applicants respectfully request reconsideration of this rejection.

Regarding claim 1, the Examiner requires a definite structural relationship between the transmitting area and the heating means, and cites examples on page 3 of the Office Action.

U.S. Patent Application Serial No. 09/926,662
Amendment dated October 31, 2003
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The Examiner also alleges that there is insufficient antecedent basis for Asaid light shielding elements in claim 1, and that in claims 6 and 8, it is not clear how the light shielding section removes the undesired laser light and also transmits the laser light.

As indicated above, claims 1, 3 and 6 - 8 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention, and in order to correct certain informalities therein, including those which have been pointed out by the Examiner.

Accordingly, the withdrawal of the outstanding indefiniteness rejection under 35 USC §112, second paragraph, is in order, and is therefore respectfully solicited.

As to the merits of this case, first, claims 4 and 5 are rejected under 35 USC §102(b) as being anticipated by JP 05-000390 (hereinafter, JP '390"). The applicants respectfully request reconsideration of this rejection.

It is respectfully submitted that each of claims 4 and 5 now includes the claimed structural arrangement of a laser chamber with a laser gas being sealed therein, light shielding elements which are in vicinities of light transmitting windows provided at both sides of the laser chamber and on an axis connecting both of the windows, and a light shielding element for

U.S. Patent Application Serial No. **09/926,662**
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shielding part of laser light transmitted through a prism inside a band-narrowing module. Each of claims 4 and 5 now further includes the light shielding elements respectively having: light transmitting sections for transmitting laser light, and light shielding sections that surround the light transmitting sections, remove undesired laser light from an optical path and shape the laser light into a predetermined form.

The applicants respectfully submit that the above-discussed claimed structural arrangements, now set forth in each of claims 4 and 5, are not disclosed in JP '390. Accordingly, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on JP 05-000390 (hereinafter, JP '390") is in order, and is therefore respectfully solicited.

Secondly, claims 6,7 and 10 are rejected under 35 USC §102(b) as being anticipated by JP 8-111551 (hereinafter, JP '551"). The applicants respectfully request reconsideration of this rejection.

The Examiner alleges that JP '551 illustrates in Fig. 1 an aperture for shaping a laser beam to a predetermined shape having a shielding section made of multilayer dielectric material, which will reflect the undesired beam portion away from the optical path as shown in Fig. 2.

U.S. Patent Application Serial No. 09/926,662
Amendment dated October 31, 2003
Reply to OA of August 5, 2003

Regarding claims 6 and 7, the outstanding Action has not addressed the fact that JP '551 is silent regarding the feature of claim 6 that the light shielding section be formed of a solid material which transmits the laser light.

Regarding Claim 10, JP '551 describes a physical aperture (3) and not a solid which transmits the laser light, as defined in present claim 10.

Accordingly, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on JP 8-111551 (hereinafter, JP '551") is in order, and is therefore respectfully solicited.

Lastly, claims 1 - 3 and 8 are rejected under 35 USC §102(b) as being anticipated by Smith (U.S. Patent No. 4,362,364). The applicants respectfully request reconsideration of this rejection.

The Examiner alleges that in Fig. 1, Smith illustrates a laser system having an aperture with a light transmitting section and a light absorbing or reflecting section and that the reflected beam provides heating to the transmitting section.

U.S. Patent Application Serial No. 09/926,662
Amendment dated October 31, 2003
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Regarding claims 1 - 3, in order to better distinguish over the teachings of Smith, claim 1 has been amended in order to more clearly define the heating means as being a means other than the laser beam of the laser device for heating gases surrounding the light shielding element.

Regarding claim 8, one of the features of claim 8 is that the light shielding elements have a function of refracting the laser light to remove undesired laser light from the optical path. Such an element is not disclosed by Smith.

In view of the above, the withdrawal of the outstanding rejection under 35 USC §102(b) based on Smith (U.S. Patent No. 4,362,364) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.



U.S. Patent Application Serial No. 09/926,662
Amendment dated October 31, 2003
Reply to OA of August 5, 2003

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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